

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 11, 1995

ALL-COUNTY LETTER NO. 95-16

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | State Law Change |
| <input checked="" type="checkbox"/> | Federal Law or Regulation Change |
| <input type="checkbox"/> | Court Order or Settlement Agreement |
| <input type="checkbox"/> | Clarification Requested by One or More Counties |
| <input type="checkbox"/> | Initiated by CDSS |

- SUBJECTS: 1.) FINAL REVISIONS TO FOOD STAMP REGULATIONS TO IMPLEMENT THE MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT
- 2.) IMPLEMENTATION OF REVISIONS TO INTENTIONAL PROGRAM VIOLATION CLAIMS REGULATIONS (RDB #0494-07)

REFERENCES: 1.) ALL COUNTY LETTER 94-67
MANUAL SECTIONS (M.S.) 63-102i.(4) and i.(4)(A)(b);
M.S. 63-501.3(k)(16), (17), (18), and (1)(1), (2),
and (3); M.S. 63-502(b)(2)(C) and 63-502.352(a);
M.S. 63-503.13 and .16; and M.S. 63-504.362 and
63-504.618(c).

2.) M.S. 63-025; M.S. 63-801.323.

This letter provides County Welfare Departments (CWDs) with the final revisions to the Food Stamp (FS) regulations which implemented the Mickey Leland Childhood Hunger Relief Act. All County Letter (ACL) 94-67, dated August 18, 1994, provided counties with the initial regulatory provisions required by that Act. This ACL is now providing the final revisions to the regulations, and includes only the posthearing modifications. Attached is a listing describing the regulation changes. These regulation changes became effective February 9, 1995.

This letter also provides CWDs with information concerning the implementation of revised provisions of Intentional Program Violations Claims regulations which become effective May 1, 1995.

If you have any questions, please contact the FS Program Bureau, Policy Implementation Unit, at (916) 654-1896.

Bruce Wagstaff
Acting Deputy Director
Welfare Programs Division

Attachment

MICKEY LELAND
POSTHEARING MODIFICATIONS

ATTACHMENT

Definitions (M.S. 63-102i.(4); and i.(4)(A)(b))

M.S. 63-102i.(4) is being amended to clarify that the general definition for "initial application and certification" means either the first application for certification filed, or an application for certification filed after any break in certification.

M.S. 63-102i.(4)(A)(b) is being amended to clarify that either a fiscal or calendar month may be used when calculating a period of more than one month during which the household was not certified for participation.

Resource Determinations (M.S. 63-501.3(k)(16), (17), (18); and (1)(1), (2), and (3)).

M.S. 63-501.3(k)(16) is being repealed and with amendments adopted as M.S. 63-501.3(1)(1), (2), and (3).

M.S. 63-501.3(k)(17) is being renumbered to M.S. 63-501.3(k)(16), to accommodate the above deletion, with no regulatory change. M.S. 63-501.3(k)(18) is being renumbered to M.S. 63-501.3(k)(17) to accommodate the above renumbering, with no regulatory change.

M.S. 63-501.3(1)(1) is being amended to reflect new federal regulation for the Earned Income Tax Credit (EITC) provision. Federal EITC payments received by any household member are to be excluded as resources for the month of receipt and the following month. The household member is not required to be participating in the FS program at the time of receipt of the EITC to qualify for the exclusion. For example, they may have received the EITC on the 5th of the month and applied for FS benefits on the 20th of that month.

M.S. 63-501.3(1)(2) is being amended to reflect new federal regulation for the EITC provision. Federal, state, or local EITC payments received by any household member who is participating in the FS program at the time of receipt are excluded as resources for up to twelve months, if the household continues to participate in the program without a break.

M.S. 63-501.3(1)(3) is being adopted to clarify in M.S. 63-501.3 (1)(1) and (2) what the CWD should do when a pay stub does or does not indicate if the EITC was received.

Income, Exclusions, and Deductions (M.S. 63-502.2(b)(2)(C); and 63-502.352(a))

M.S. 63-502.2(b)(2)(C) is being amended to clarify that in order to exclude GA energy or utility payments from household income, the payment must be made to a third party on behalf of the household.

M.S. 63-502.352(a) is being amended to clarify that either a fiscal or calendar month may be used when calculating the standard shelter allowance.

Determining Household Eligibility and Benefit Levels (M.S. 63-503.13 and .16)

M.S. 63-503.13 is being amended to clarify that either a fiscal or calendar month may be used when calculating a period of more than one month during which the household was not certified for participation.

M.S. 63-503.16 is being amended for consistency to specify that it applies to households which have not participated in the FS Program in the month before the month of application.

Household Certification and Continuing Eligibility (M.S. 63-504.362; and 63-504.618(c))

M.S. 63-504.362 is being amended to disallow the proration of benefits for those households which have been terminated and reapply the following month.

M.S. 63-504.618(c) is being amended to clarify that either a fiscal or calendar month may be used when prorating benefits.

IMPLEMENTATION OF EARNED INCOME DEDUCTION PENALTY FOR INTENTIONAL PROGRAM VIOLATIONS (IPVs) (M.S. 63-025)

M.S. 63-025 is being adopted to specify that the implementation date for the amended regulation M.S. 63-801.323 regarding the earned income deduction penalty is May 1, 1995.

CLAIMS AGAINST HOUSEHOLDS (M.S. 63-801.323)

M.S. 63-801.323 is being amended to specify that situations requiring the imposition of the 20 percent earned income deduction penalty for intentional failure to report earnings have been expanded to include households which have signed an Administrative Disqualification Hearing Waiver or a Disqualification Consent Agreement. In addition, wording is being deleted to clarify that neither of these additional circumstances is necessarily proof that an IPV has occurred.